# IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

BEDFORD NISSAN, INC., MMN, LLC d/b/a MENTOR NISSAN, MD AUTO GROUP, LLC d/b/a 1-90 NISSAN and NISSAN OF NORTH OLMSTED, LLC,

Plaintiffs,

Civil Action No. 1:16-cv-00423-DAP

Judge Polster

v.

NISSAN NORTH AMERICA, INC.,

Defendant.

# STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), plaintiffs, Bedford Nissan, Inc., MMN, LLC d/b/a Mentor Nissan, MD Auto Group, LLC d/b/a I-90 Nissan, and Nissan North Olmsted and defendant, Nissan North America, Inc., hereby stipulate and agree to the dismissal of this action with prejudice, all rights of appeal waived, and each party to bear its own fees and costs.

APPROVED.
It is SO ORDERED.
s/Dan Aaron Polster
United States District Judge
Aug. 7, 2018

#### Respectfully submitted,

# BEDFORD NISSAN, INC., MMN, LLC, MD AUTO GROUP, LLC, AND NISSAN OF NORTH OLMSTED, LLC,

# NISSAN NORTH AMERICA, INC.,

## /s/ Matthew C. Miller

Robert A. Poklar (0015685)

RPoklar@westonhurd.com

Matthew C. Miller (0084977)

MMiller@westonhurd.com

Gary W. Johnson (0017482)

GJohnson@westonhurd.com

Weston Hurd LLP

1301 East 9th Street, Suite 1900

Cleveland, OH 44114-1862

(216) 241-6602 / (216) 621-8369 (fax)

-and-

Christopher M. DeVito (0047118) chrismdevito@gmail.com Morganstern, MacAdams & DeVito Co., L.P.A. 623 West Saint Clair Avenue Cleveland, Ohio 44113-1204 (216) 687-1212 / (216) 621-2951 (fax)

Attorneys for Plaintiff

/s/ David R. Vance

Stephen S. Zashin (Ohio Bar No. 0064557) ssz@zrlaw.com
David R. Vance (Ohio Bar No. 0083842) drv@zrlaw.com
ZASHIN & RICH CO., LPA
950 Main Avenue, 4th Floor
Cleveland, Ohio 44113

Tel.: (216) 696-4441 Fax: (216) 696-1618

- and -

William N. Berkowitz\*
wberkowitz@seyfarth.com
John R. Skelton\*
jskelton@seyfarth.com
Alison K. Eggers\*
aeggers@seyfarth.com
Lisa K. Haines\*
lhaines@seyfarth.com
SEYFARTH SHAW LLP
Seaport East
Two Seaport Lane, Suite 300

Boston, MA 02210-2028 Tel.: (617) 946-4800 Fax: (617) 946-4801 \* admitted pro hac vice

Attorneys for Defendant

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 6, 2018, a copy of the foregoing Stipulation of Dismissal with Prejudice was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

## /s/ David R. Vance

Stephen S. Zashin (Ohio Bar No. 0064557) ssz@zrlaw.com David R. Vance (Ohio Bar No. 0083842) drv@zrlaw.com ZASHIN & RICH CO., LPA 950 Main Avenue, 4th Floor Cleveland, Ohio 44113

Tel.: (216) 696-4441 Fax: (216) 696-1618

- and -

William N. Berkowitz\*
wberkowitz@seyfarth.com
John R. Skelton\*
jskelton@seyfarth.com
Alison K. Eggers\*
aeggers@seyfarth.com
Lisa K. Haines\*
lhaines@seyfarth.com
SEYFARTH SHAW LLP
Seaport East
Two Seaport Lane, Suite 300
Boston, MA 02210-2028

Tel.: (617) 946-4800 Fax: (617) 946-4801 \* admitted pro hac vice

Attorneys for Defendant